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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,016	08/21/2003	Petri Lahdesmaki	04770.00135	6227

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EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,016

Applicant(s)

LAHDESMAKI, PETRI

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The amendment filed 9/19/07 has been entered.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bergsten et al (2003/0001907).
4. Regarding claim 1, Bergsten et al show: an apparatus for generating a user interface for display on a display device, the apparatus comprising a processor programmed to generate a user interface (Figures 1, 2) comprising the following elements: a main folder configured to contain a plurality of elements and at least a first sequential subfolder configured to contain a plurality of elements linked to main folder (Figures 4, 5, para 7, 9, 21); a fixed focus pointer configured to select one of the plurality of elements of the main folder in response to interaction of a user and at least

one moveable focus pointer configured to scroll through the plurality of elements of the at least first sequential subfolder to select one of the plurality of elements in response to interaction of a user (para 11, 21, 25). The elements of the first sequential subfolder are presented in a form of a carousel in the sense that they repeat and circulate (para 25).

5. Regarding claim 2, one element of the carousel creates a buffer for elements that are not presented (para 11).

6. Regarding claim 3, the element has a fixed position (para 21).

7. Regarding claim 4, the buffer element is placed in the middle of a rear carousel segment (para 11).

8. Regarding claims 5-6, the element may be visible or not visible (Figures 4, 5, para 21, 25).

9. Regarding claim 7, the element indicates the number of elements in the buffer (para 11).

10. Regarding claim 8, a diameter of the carousel is adjustable (para 25, the distance is variable).

11. Regarding claim 9, the diameter of the carousel is adjusted as a function of the number of the plurality of elements of the first sequential subfolder (para 25).

12. Regarding claim 10, the carousel is not fully presented on the display (para 25).

13. Regarding claims 11-13, an uppermost, or lowermost portion, or both of the carousel may not present on a display region (Figures 3-5, para 25).

14. Regarding claim 14, the information of content of elements is visible (Figures 3-5).

15. Regarding claim 15, the elements in the carousel are selectable (para 11, 21).

16. Regarding claim 16, the plurality of elements of the main folder and the at least first subfolder comprise icons (Figures 3-5).

17. Regarding claim 17, the plurality of elements of the main folder and the at least first subfolder may also comprise text (Fig 4-5, para 20, 21).

18. Regarding claim 18, the main folder and at least first sequential subfolder are scrollable (para 11).

19. Regarding claim 19, the carousel rotates on its axis (para 25).

20. Claim 20 shows the same features as claim 1 and is rejected for the same reasons.

21. Claim 21 shows the same features as claim 19 and is rejected for the same reasons.

22. Applicant's arguments filed have been fully considered but they are not persuasive. Bergsten does in fact show the features as claimed. The paragraphs 11, 21, 25, for example, which bring out the intersecting bars to form the fixed focus pointer/selector panel. Applicant argues regarding whether the panel in Bergsten can move or not, but even applicant's claimed features recites "fixed focus" pointer. The relative perspective is not clear from applicant's comments, and note that Bergsten does in fact show the selecting may be shifted. Regarding the carousel, the subfolder is fact displayed in this format, given the interpretation as explained in the Action. Applicant does not explain what if anything more specific is intended by the recitation of carousel. The carousel properties are shown in Bergsten. Applicant is invited to contact Examiner to discuss claim interpretation.


23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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